

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

EUMI L. CHOI (WVBN 722)
Assistant United States Attorney

150 Almaden Boulevard
San Jose, California 95113
Telephone: (408) 535-5079
Facsimile: (408) 535-5066
Email: Eumi.Choi@usdoj.gov

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Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|---------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR 07-00373 RMW |
| |) | |
| Plaintiff, |) | STIPULATION AND [] |
| |) | ORDER TO CONTINUE STATUS |
| v. |) | HEARING AND TO EXCLUDE TIME |
| |) | FROM JUNE 30, 2008 THROUGH |
| NED ROSCOE, and |) | AUGUST 25, 2008 FROM THE SPEEDY |
| JOHN ROSCOE, |) | TRIAL ACT CALCULATION (18 U.S.C. § |
| |) | 3161(h)(8)(A),(B)) |
| Defendants. |) | |
| |) | |

On June 30, 2008, the parties appeared for a hearing before the Court for a status hearing and superseding arraignment. The defendants each pleaded not guilty to the charges contained in the superseding indictment, and further requested that the Court set the matter for another status hearing on August 25, 2008, on the asserted bases that they intend to make further discovery requests in this case, and because the case is complex. The government and counsel for both defendants thus stipulated to an exclusion of time under the Speedy Trial Act.

The United States hereby submits this written request for an order finding that said time is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served by taking such action and outweigh the best interests of the public and defendants in a speedy

trial. 18 U.S.C. § 3161(h)(8)(A). Further, the case has been deemed complex under 18 U.S.C. § 3161(h)(8)(B)(ii).

DATED: July 1, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

_____/S/_____
EUMI L. CHOI
Assistant United States Attorney

_____/S/_____
MARK EIBERT
For Defendant NED ROSCOE

_____/S/_____
PETER LEEMING
For Defendant JOHN ROSCOE

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between June 30, 2008 through August 25, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendants in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). Moreover, the case has been deemed complex under 18 U.S.C. § 3161(h)(8)(B)(ii). The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(ii).

IT IS SO ORDERED.

DATED: 7/24/08



RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE